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THE BOC GROUP, INC.
575 MOUNTAIN AVENUE
MURRAY HILL NJ 07974-2064

In re Application of :
MANGNALL, Kish (deceased), et al. :
U.S. Application No.: 10/559,394 :
PCT No.: PCT/GB2004/001532 :
International Filing Date: 07 April 2004 :
Priority Date: 07 June 2003 :
Attorney's Docket No.: M03B301 :
For: COMBINATION OF :
COMPRESSOR AND :
PERMANENT MAGNET MOTOR :
FOR SEWAGE AERATION :

DECISION REGARDING
SUBMISSION UNDER
37 CFR 1.42

This communication is issued in response to applicants' submission on 17 April 2006 of a declaration executed on behalf of deceased inventor Keith MANGNALL by his legal representative Jean MANGNALL, which has been treated as a submission under 37 CFR 1.42.

BACKGROUND

On 07 April 2004, applicants filed international application PCT/GB2004/001532. The international application claimed a priority date of 07 June 2003, and it designated the United States. On 16 December 2004, the International Bureau (IB) communicated a copy of the international application to the United States Patent and Trademark Office (USPTO). The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 07 December 2005.

On 05 December 2005, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee.

On 03 April 2006, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration acceptable under 37 CFR 1.497 was required.

On 17 April 2006, applicants filed a response to the Notification Of Missing Requirements that included payment of the required surcharge and a declaration executed by the surviving inventor (Kevan GRADWELL) and on behalf of deceased inventor Keith MANGNALL by his legal representative Jean MANGNALL. The declaration is considered below as a submission under 37 CFR 1.42 and 1.497.

DISCUSSION

37 CFR 1.42 states in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

37 CFR 1.497(b)(2) states:

If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the declaration must provide the citizenship, mailing address, and residence information for both the deceased inventor and the legal representative.

Here, the declaration filed on 17 April 2006: (1) is executed by the surviving inventor; (2) contains an unsigned signature block for the deceased inventor that sets forth the deceased inventor's citizenship, residence, and mailing address; and (3) includes a supplemental sheet that is executed by the legal representative of the deceased inventor and sets forth the legal representative's citizenship, residence, and mailing address. This declaration satisfies the requirements of 37 CFR 1.42 and 1.497.

CONCLUSION

Based on the above, status under 37 CFR 1.42 is **GRANTED**.

The declaration filed 17 April 2006 is acceptable under 37 CFR 1.42 and 1.497.

The application is being referred to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 17 April 2006.



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